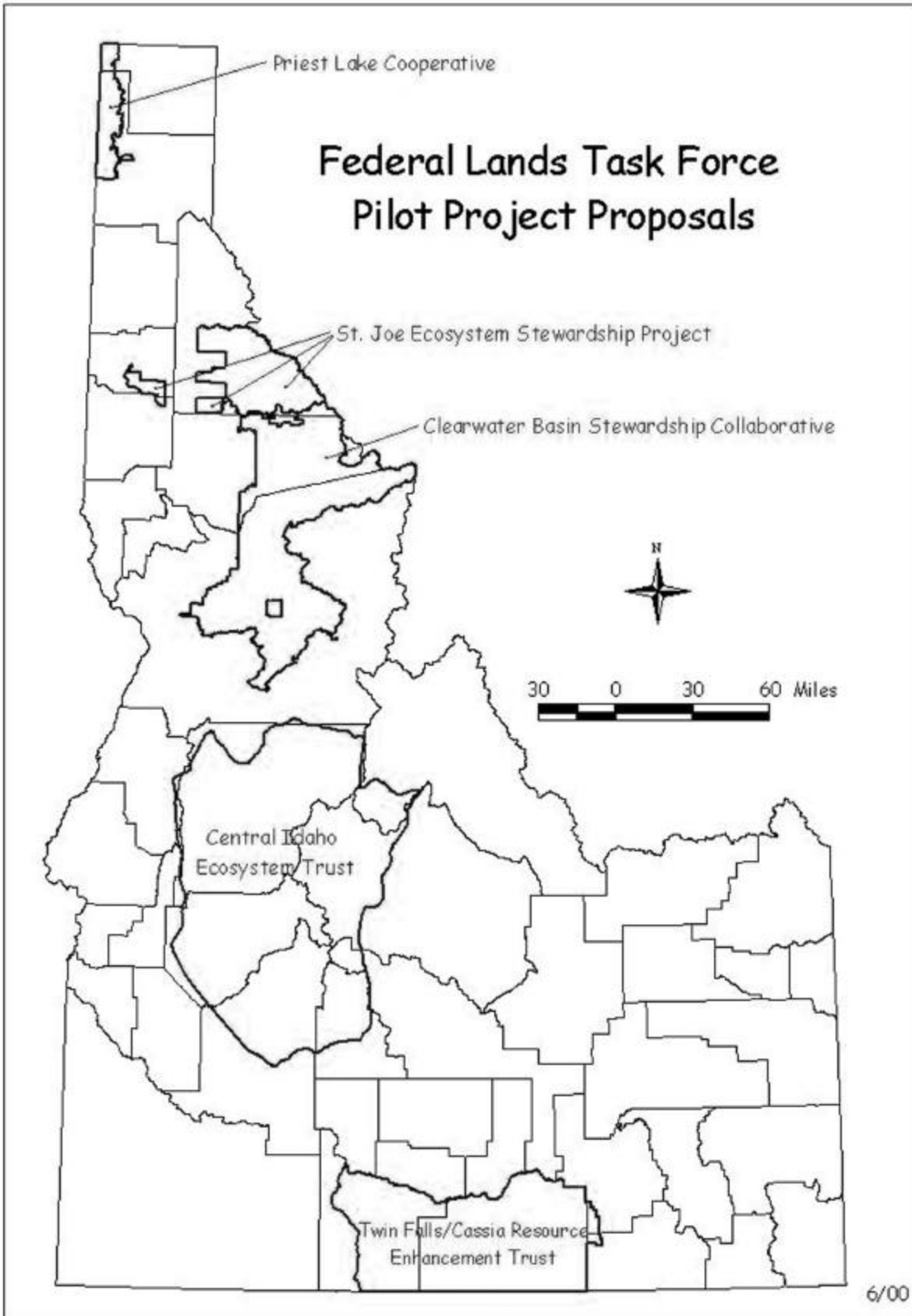

BREAKING THE GRIDLOCK

Federal Land Pilot Projects in Idaho

**A Report to the Idaho State Board of Land Commissioners
by the
Federal Lands Task Force Working Group
December 2000**



BREAKING THE GRIDLOCK

FEDERAL LAND PILOT PROJECTS IN IDAHO

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1. Executive Summary

In 1996 the Idaho State Board of Land Commissioners (Land Board) appointed the Idaho Federal Lands Task Force to examine issues of federal land management in Idaho, analyze alternative methods of federal land management, and report their findings. In their July 1998 report to the Land Board, the Task Force recommended development of pilot projects to test three new approaches to federal land management: the collaborative model, cooperative model, and trust land-management model.

The Land Board appointed a Coordinator to lead development of further actions and in October 1999 appointed an eight-member Working Group to identify pilot projects on Idaho's federal lands.

The Working Group recommends five pilot projects for consideration. Consistent with the Task Force recommendations, none of the projects involves state management, state control, or state ownership of federal land.

The five pilot projects use an ecosystem-based approach to maintain and enhance environmental quality, to attain other land management goals and objectives, and to create opportunities for more effective public participation in resource management decisions through revised decision-making frameworks. All projects feature long-range plans, environmental impact analyses, and public involvement.

In total, the five proposed pilot projects encompass 10.8 million acres of federal land, of which 10.1 million acres are National Forest System lands. Currently, 20,476 acres (or 0.2%) of these national forest lands are subject to active forest ecosystem manage-

ment each year. The projects presented herein propose increasing this to 36,967 acres, or 0.4% of the total national forest area.

The five proposed pilot projects are presented in alphabetical order:

Central Idaho Ecosystem Trust

Area: 5.8 million acres; all of the Boise National Forest and parts of the Payette, Sawtooth, and Salmon-Challis National Forests

Goal: Restore vegetation to desired ecological conditions while meeting social needs within an economically-oriented management framework.

Summary: This project uses a trust law framework. Trustees representing national and local interests will provide management oversight. Land management will be keyed to a scientific model ("Ecosystem Diversity Matrix") comprised of 143 combinations of vegetation habitat types and growth stages called ecological land units (ELUs).^{*} These ELUs provide area-specific goals for management and can be related to species' habitat needs and social and economic concerns. Trust revenue will be generated in a manner that recognizes public values and is sustainable over the long term. The trust beneficiaries are entities representing fish and wildlife, recreation, and local government. A "Local Advisory Council" will function as a sounding board for the trust manager in the decision-making process and manage public involvement in the planning process.

^{*} Technical terms such as Ecosystem Diversity Matrix and ecological land units (ELUs) are defined in the Glossary.

Clearwater Basin Stewardship Collaborative

Area: 2.7 million acres; parts of the Clearwater and Nez Perce National Forests

Goal: Restore habitat for elk and other indicator species consistent with social objectives and historical conditions.

Summary: A “Collaborative Group” will guide the management of elk recovery efforts by restoring this portion of the Clearwater River basin to ecological goals within the range of historical conditions. One specific goal is to restore a higher percentage of early- and late-successional stages of vegetation than currently exists. The Collaborative Group will include a wide range of stakeholders such as local government, environmental, wildlife advocates, and multiple-use interests. The group will develop annual and five-year plans for managing the project area. The Collaborative Group will involve the public in defining the goals and products expected from the project and in recommending management objectives.

Priest Lake Basin Cooperative

Area: 265,000 acres; Priest Lake District, Idaho Panhandle National Forest

Goal: Coordinate management efforts of state and federal agencies to restore and enhance ecological conditions and improve resource management for wildlife, recreation, and balanced economic uses.

Summary: Three governmental organizations will be parties to a Memorandum of Understanding for management of the Priest Lake area—the U.S. Forest Service, Idaho Department of Lands, and Idaho Department of Parks and Recreation. The federal land

will be managed using the cooperative method. The three agencies will cooperatively manage federal and state lands within the area to achieve multiple use objectives while maintaining the Land Board’s obligations for the state of Idaho’s endowment lands. The management of the cooperative will be guided by a “Local Agency Managers” group consisting of representatives of the three agencies. The managers’ efforts will be augmented by a “Public Advisory Committee” as well as representatives of other state or federal agencies with regulatory authorities for Priest Lake resources.

St. Joe Ecosystem Stewardship Project

Area: 726,000 acres; St. Joe District, Idaho Panhandle National Forest

Goal: Restore and enhance ecological conditions by conducting resource management activities through stewardship contract pilot projects, similar to those authorized by the FY 1999 Omnibus Appropriations Act.¹

Summary: Stewardship contract pilot projects will be used for all resource management activities. Western white pine, western larch, and ponderosa pine will be restored to conditions within the historic range of variability. Forage for elk and other big game species will be increased. The focus of the project is to improve ecosystem conditions, support local government activity, and fund other activities, such as watershed improvements. A “Local Advisory Committee” and an “Investment Project Advisory Committee” will oversee and monitor all resource management activities.

Twin Falls/Cassia Resource Enhancement Trust

Area: 1.3 million acres (51% BLM and 49% Forest Service lands); 457,418 acres of the BLM's Twin Falls Resource Management Area; 214,462 acres of the BLM's Burley Resource Management Area; 632,120 acres of the Twin Falls and Burley Districts, Sawtooth National Forest



Goal: Provide sustainable use and enhancement of local ecological assets while balancing established and emerging cultures.

Summary: The project will enhance environmental quality, recreation, and long-term stability of local communities. Trust beneficiaries represent local communities, users of resources (water, wildlife and range) and future generations. Trustees represent national, state, and local interests and coordinate with federal and state agencies. Public input and involvement in resource management decisions will be through a "Local Steering Committee" representing a collaborative group of interests.

2. Introduction

In its report (Idaho FLTF 1998), the Idaho Federal Lands Task Force identified three kinds of alternative models the U.S. Forest Service and the Bureau of Land Management might use to improve the problem situation on federal lands in Idaho. To some extent the Task Force addressed application of the models but left unanswered other key questions, including where and how the models could be tested.

In the **Problem Statement** (Section 3), this report suggests that new approaches to federal land management are desirable. After reading the **Background** (Section 4), one should get the idea that change is desirable now. Section 5 identifies key **Features of the Three Alternative Models**. Five **Pilot Project Proposals** (Section 6) identify specific applications of these models on 10.8 million acres of federal lands in Idaho. Sections

7 and 8 present **Legal Analysis** and **Economic Analysis** addressing specific things that need to be changed. The Working Group **Recommendations** (Section 9) suggest all five pilot projects to the Land Board. These models perhaps can be applied elsewhere.

3. Problem Statement

In the past three decades, the delivery of goods and services, as well as intangible and intrinsic values from federal lands, has not met the changing expectations of the public in general, or of Idaho citizens in particular (Idaho FLTF 1998).

The demand placed on resources on these lands has increased. Competing uses cannot

be easily accommodated and conflicts have escalated. Current processes and laws used for the management of federal lands not only fail to satisfactorily resolve the inevitable competition for the uses of resources from these lands, but also set the stage for continued conflict. No single group or interest seems to be satisfied with the present situation. Increasingly, many Americans turn to the courts as the forum for resolving disputes concerning federal land management (Idaho FLTF 1998).

Current dissatisfaction with federal land management is the subject of disagreement between interests. As stated in the Task Force report (Idaho FLTF 1998), dissatisfaction arises from:

- Declining wildlife populations, particularly threatened and endangered species.
- Deteriorated water quality.
- Increasingly restricted recreational access.
- Reduced roadless acreage.
- Reduced availability of livestock forage.
- Reduced timber harvest.
- A cumbersome and lengthy decision-making process that often results in gridlock.

Although there is disagreement regarding the management priorities, the current situation on federal lands has affected Idaho through the destabilization of communities, loss of jobs, loss of economic return, and a decline in environmental quality (Idaho FLTF 1998). Some evidence of these effects can be found in a University of Idaho Policy Analysis

Group report (see O’Laughlin et al. 1998a).

Since 1998, additional studies and reports have confirmed the need for active management of federal forest, range, and watershed resources to restore desired ecosystem conditions. One problem is that forest conditions invite insect and disease outbreaks, harbor dead trees, and also, unless removed, excessive amounts of flammable materials to fuel unnaturally hot fires (O’Laughlin 2000b). The catastrophic fires of 2000 underscore the need for active management. In the 2000 fire season, almost 7 million



acres burned across 11 western states, with 1.2 million acres in Idaho. The continued spread of noxious weeds is a problem as well.

On June 1, 2000, the Andrus Center for Public Policy held a conference on federal lands at Boise State University. Cecil Andrus, former Governor of Idaho and Secretary of the Interior during the Carter Administration, introduced the conference report by stating that:

Management of the public lands in the West isn’t working very well. Without

regard to one's perspective on individual issues, almost anybody close to the land will tell you that we have problems that have gone unaddressed and that now must be confronted. The two previous conferences sponsored by the Andrus Center have helped us define the problems. ... [One problem is] the tangled web of overlapping and often contradictory laws and regulations under which our federal public lands are managed. It became apparent that little was going to change in the Washington-based, top-down decision-making process that has been the rule for so long (Andrus Center 2000, p.3).

According to western governors participating in the Andrus Center for Public Policy Conference, new approaches to federal land management should include these policy objectives: "Public land policy and its implementation should be decentralized whenever feasible. Decisions made through collaboration work best. Command and control regulation ... should be used infrequently" (Andrus Center 2000, p.5).

The Working Group and proponents for the five proposed pilot projects believe that restoring the ecosystem values that society desires will require actions by humans, not inaction. The proposed projects will attain ecosystem restoration goals by using alternative models for federal land management. All projects feature some form of collaborative management decision-making.

4. Background

Federal land management plays an important role in Idaho. The lands managed by the U.S.

Forest Service and the Bureau of Land Management (BLM) together represent more than 60 percent of Idaho's land base. Idaho's government and its citizens deserve to participate in decision-making affecting the benefits and intrinsic values of the lands we share with all of the people of the United States.

This background section provides a brief history of federal land management (Section 4.1) and describes the current situation as decision gridlock (Section 4.2). The findings and recommendations of the Idaho Federal



Lands Task Force are reviewed, as are the procedures of the Working Group that produced this report (Sections 4.3 and 4.4).

4.1. Brief History of Federal Land Management

The history of our federal system of public land management is long and complex. In 1901, President Theodore Roosevelt recognized that the forest reserves established in 1891, now called the national forests, were a good investment for the nation, and that "thoroughly businesslike management" could increase their usefulness.²

The original statutory scheme for federal lands was fairly simple: Congress established broad management objectives, and left to the discretion of local federal managers how to best achieve those objectives. The 1897 Organic Act for the National Forest System established two purposes beyond protecting the forests from destruction: securing favorable conditions for water flows and furnishing a continuous supply of timber.³ The goals of the 1934 Taylor Grazing Act were to stabilize the livestock industry dependant on the public range, to preserve the land and its resource from unnecessary injury, and to provide for the orderly use, improvement, and development of the range.⁴

As goals for federal lands changed, Congress passed statutes mandating new policy objectives. The Multiple-Use Sustained-Yield Act of 1960 stated that “national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes.”⁵ As time went on, Congress also began providing substantive directions that limited the discretion of local managers, such as the restrictions on Forest Service timber harvest practices in the National Forest Management Act of 1976 (NFMA).⁶ Restrictions were placed on BLM lands through the Federal Land Policy and Management Act of 1976 (FLPMA).⁷ Although the agencies had engaged in various resource inventory and planning exercises for many years, Congress has expanded these obligations in more recent times. For example, land-use planning requirements were established in FLPMA and NFMA.

Additional requirements are imposed by the National Environmental Policy Act of 1969 (NEPA)⁸ which requires preparation of reports analyzing the environmental impacts of major federal actions, both at the planning

stage and the implementation stage. In the last 35 years, Congress has also passed many environmental protection statutes that affect management of federal public lands, including the Clean Water Act, the Clean Air Act, and the Endangered Species Act.⁹ More than seventy environmental laws are on the books today.

The Endangered Species Act¹⁰ requires all federal agencies to undertake interagency consultation with federal fish and wildlife services and to prepare biological assessments when endangered or threatened species may be present in the area affected by a proposed management action.¹¹ If the services issue an opinion that an action is likely to “jeopardize” protected species or adversely affect their critical habitat, the land management agency must modify the project.¹² If the presence of cultural or historical sites is suspected in a project area, additional interagency cooperation and documentation must occur.¹³

The documentation required before implementation of management decisions can be costly in time and funds. To comply with NEPA, for example, the Forest Service estimated that in 1995 the agency prepared approximately 20,000 environmental impact statements (EISs) and environmental assessments (EAs), at a cost of \$250 million that year.¹⁴

Conducting NEPA environmental analyses and preparing environmental documents consumes about 18 percent of the funds available to manage the national forests and approximately 30 percent of the agency’s field resources.¹⁵ The effectiveness of the NEPA process is questioned by many. According to the U.S. General Accounting Office (GAO) (see **Glossary**), the Forest Service has actively taken steps to limit

public participation¹⁶ and conducts extensive, complex environmental analyses to avoid or prevail against challenges to its compliance with environmental laws.¹⁷ The GAO also concluded that the NEPA process has largely failed to improve interagency collaboration and consensus building.¹⁸

In addition, the GAO said the Forest Service received over 1,200 administrative appeals and several dozen lawsuits on project-level decisions each year during the mid-1990s.¹⁹ Administrative appeals and lawsuits are often long and costly affairs, and they take personnel away from on-the-ground management. Citing a federal court decision,²⁰ the GAO said the current framework of laws can be characterized as a “crazy quilt” of apparently mutually incompatible statutory directives.²¹

For example, forest fires are a special concern in the intermountain West. Restoring forest stands to within the historical range of variability is a widely-accepted, long-term environmental goal (see O’Laughlin 2000b). However, short-term goals often hinder restoration efforts. Prescribed burns can be precluded when it is determined that smoke from such burns will violate air quality standards required under the Clean Air Act.²² Similarly, thinning and fuel reduction projects may be precluded when temporary increases in stream sedimentation associated with such projects are determined to violate Clean Water Act standards.²³ As the Society of American Foresters said in their comments on the

Interior Columbia Basin Ecosystem Management Project (ICBEMP), “Trying to protect aquatic habitat by not allowing management of the adjacent terrestrial areas where fuel has built up does not make ecological sense” (O’Laughlin et al. 1998b).

4.2. Federal Land Management: Gridlock Prevails

The federal government is directly responsible for the administration of 29% of the land in the United States of America.²⁴ Idaho has more than 63% of its land administered



by a variety of federal agencies. In only three other states does federal land exceed 60% of the state—Nevada (83%), Alaska (68%), and Utah (65%).²⁵

Of the 50 states, Idaho has the largest portion of its land (almost 39%) in the National Forest System of lands administered by the U.S. Forest Service. The BLM is responsible for almost another 22% of the land in Idaho. Other federal agencies have approximately

3% of the land in the state (O’Laughlin et al. 1998a). These other agencies have more specific missions than the Forest Service and BLM. Because of federal predominance across the Idaho landscape and lack of a clearly defined mission (at least in relation to other agencies), this report focuses on the Forest Service and BLM lands. We also tend to focus more attention on national forests than on BLM lands because of the greater extent of national forests in Idaho and because almost all of the pilot project proposals are within national forests.

Historical analysis reveals that the current situation is rooted in the social values of preserving and protecting various features of lands and resources (O’Laughlin et al. 1998a). Preservation values were codified with the Wilderness Act of 1964²⁶ and subsequent environmental protection laws, including the Clean Water Act of 1972 and Endangered Species Act of 1973.²⁷ These laws are strong, and they are sometimes perceived as conflicting with the statutory mission of the land-management agencies to provide multiple goods and services.²⁸ In addition are NEPA regulations requiring not only analysis of environmental impacts of federal actions, but also public involvement in decisions.²⁹ In 1976, management of Forest Service and BLM lands was updated but also impeded by enactment of NFMA and FLPMA.³⁰

Conflicts between preservation and active management interests are more than a century old, but with laws enacted since the mid-1960s and changes in demographics, these value conflicts have become more intense. The lack of consensus affects agency decisions through what political scientists

call “gridlock” (Kraft 2000).

By 1998, national forest timber harvests across the country were about one-third what they were in 1990. Idaho follows that trend, with an 80% reduction in timber harvests on Idaho national forests since 1990. During the 1990s, timber harvests were less than one-third what they were in the 1960s, 1970s, and 1980s. While timber harvests have declined,



project delays and agency expenditures for preparing supporting environmental analysis documents have increased. In Idaho, according to the Interior Columbia Basin Ecosystem Management Project, the Forest Service and BLM spend thirty cents of every budget

dollar on resource management, and the rest on administration, including environmental analysis in support of plans and projects (O’Laughlin et al. 1998a).

When he was Chief of the Forest Service, Jack Ward Thomas described the current federal land management situation:

The management of these lands is approaching ‘gridlock’ for a number of reasons. The primary cause is the crazy quilt of laws passed by the different Congresses over a century with no discernable consideration for the interactions of those laws. The total of the applicable law contains mixed mandates, and produces mixed and confusing results. This is compounded by myriad court decisions that sometimes confuse more than clarify. It’s time to deal with this problem in a comprehensive fashion.³¹

Gridlock results in inaction. Inaction, or passive management of public forest, range, and watershed resources, is less likely to restore the land to desired ecosystem conditions than is active management. The results of passive management include catastrophic wildfires, destructive outbreaks of forest insects and diseases, and the continued spread of noxious weeds. The requirements of federal law need to be reconciled with our current understanding of how we affect our environment and with scientific methods of resource stewardship. This needs to be done comprehensively rather than piecemeal.

4.3. Idaho Federal Lands Task Force Findings

In 1996, in accordance with a mandate of the Idaho Legislature (see Appendix A), the

Idaho State Board of Land Commissioners (Land Board) appointed the Idaho Federal Lands Task Force and charged them with examining federal land management issues in Idaho and alternative methods for managing federal lands.

After nearly two years of study, consideration, testimony, and debate, the Task Force issued their findings and recommendations to the Land Board in July 1998. Their report, titled *New Approaches for Managing Federally Administered Lands* (Idaho FLTF 1998), contained two findings:

1. The current processes of federal land management have resulted in uncertain decision-making, destabilization of resource dependent communities, and deterioration in environmental quality on federal lands. In short, the system is broken.
2. Significant changes to these processes are necessary. The changes proposed [by the Forest Service and BLM] are not adequate.

The Task Force was also charged with examining alternative methods of management that might improve the situation. Following is a description of the approach they used and their recommendation actions.

The Task Force adopted three principles to be used for developing alternative solutions. They are:

- The ownership of federally administered lands will not be transferred to the state.
- A variety of uses will continue on federally administered lands currently managed for multiple use.
- The public will be involved in the decision-making process.

The principles led to the following general

considerations. These are desirable outcomes from which objectives and alternatives can be crafted:

- Resource management decisions will be made faster, more efficiently, and more effectively, and will produce more certainty and accountability. Local federal land managers will be given greater flexibility in decision-making.
- Environmental quality will be maintained and enhanced.
- Fish and wildlife habitat will be enhanced.
- Community stability and resiliency will be enhanced.
- Land management agency budgets will be stabilized.
- Federally administered lands will be managed in a fiscally responsible manner.
- Management of federally administered lands will be scientifically based to the greatest extent possible.
- All state and federal laws will be obeyed.

The above desirable outcomes were forged into seven functional objectives to guide the Task Force in selecting alternative methods of federal land management. Recommended alternatives had to meet all seven of these functional objectives:

- Involve the public.
- Streamline and localize decision-making.
- Protect water quality.
- Base management on formalized plans.
- Protect species.
- Stabilize agency budgets.
- Stabilize communities.

After considering a number of alternatives, the Task Force recommended three management models for the Land Board to consider. They are:

- Collaborative alternative
- Cooperative alternative
- Trust alternative

The Task Force recommended that the Land Board pursue a pilot project, or projects, testing one or more of the action alternatives for federal land management (Idaho FLTF 1998).

4.4. Idaho Federal Lands Task Force Working Group

In March 1999, the Idaho Legislature passed a concurrent resolution:

We endorse the report submitted by the Federal Lands Task Force to the Idaho Board of Land Commissioners, support further action by the Idaho Board of Land Commissioners on the proposals contained in the report, and urge the Congress of the United States to pass legislation implementing the recommendations contained in the report.³²

The Land Board appointed a Coordinator to undertake further actions, and in September 1999 appointed an eight-member Working Group (see Appendix B) to identify pilot project proposals on Idaho's federal lands.

The Task Force recommended that "Design and implementation of a pilot project should be preceded by a detailed economic analysis and a more thorough review of the changes needed in federal law and regulation" (Idaho FLTF 1998, p. 42). This report provides some of those information needs.

In November 1999, the Working Group developed the following mission statement to help guide them through their assignment:

The Federal Lands Task Force Working Group will develop pilot projects testing the Federal Lands Task Force Report action alternative(s) for managing federally administered lands and will assist in pilot project implementation including but not limited to legislation, regulations, policy, and public education and information.

The Working Group heard invited presentations from a number of people, including Dr. Jack Ward Thomas, University of Montana; Dr. John Freemuth, Boise State University; Jack Blackwell, U.S. Forest Service Regional Forester; Frank Stuart, Quincy Library Group; Joe Hinson, Northwest Natural Resources Group; and Larry Stevens, Idaho Department of Parks and Recreation. Dr. Jay O'Laughlin, University of Idaho, gave several invited presentations, including an overview of the Idaho Federal Lands Task Force report (O'Laughlin 1999), forest certification (Cook and O'Laughlin 1999, see Appendix C), potential application of trust law to federal lands (O'Laughlin 2000a), and a literature review of the need for active management to reduce wildfire risk and improve forest health (O'Laughlin 2000b). The Working Group held meetings open to the public monthly between October 1999 and November 2000. More than 100 organizations and individuals were contacted (Appendix E). These solicitations resulted in five pilot project proposals (Appendices F through J) which are summarized herein (Section 6).

5. Features of the Three Alternative Models

The following summaries of the three alternative models are based on the Idaho Federal Lands Task Force report (see Idaho FLTF

1998) but also include some additional observations offered by the Working Group. Four of the five pilot project experiments proposed in this report are based on these three models.

5.1. Collaborative Model

Under the concept of collaborative management, those who disagree on management objectives work together to overcome their differences. In a collaborative group all parties agree to work together to achieve some greater good for all interests (Idaho FLTF 1998).

At the Forest Conference in April 1993, President Clinton charged members of environmental organizations, the wood products industry, and local governments to "...keep working for a balanced policy that promotes economy, preserves jobs and protects the environment." He said, "I hope we can stay in the conference room and out of the courtroom."³³ Since that historic conference, many collaborative groups have followed the president's lead and formed organizations to attempt to improve federal land management. The highest profile example of these collaborative groups is the Quincy Library Group (QLG), covering portions of three national forests in northern California. Although the QLG was successful in getting federal legislation enacted,³⁴ implementation has been held up for several reasons, including adequacy of the Environmental Impact Statement for the project area (see Little 2000).

When diverse voices represent the major players interested in a particular land area, the chances for success are much greater. Even if collaboration does not result in concrete changes but only encourages discus-

sion of differing viewpoints, some degree of progress is made. It is in these discussions that goals and agendas can be understood, and ultimately, agreement can be reached.

Collaborative groups need to forge an agreement on land management issues if they are to be effective. Too much unnecessary input can break down collaborative efforts. A group cannot be so inclusive that hundreds of “micro interests” are involved and so exclusive that a major player is left out of the process.

The key issue with collaborative management is whether the results of the collaborative process will be binding on the federal land manager. The sharing of power envisioned under this model is not a devolution of power from the federal government authority to state or local government authority. Instead, it involves the transfer of some authority and responsibility from the agency’s remote central headquarters to its resource managers in the field. Only then can the federal agency be responsive to a collaborative group.

5.2. Cooperative Model

Under the cooperative model, the state and the federal governments agree to manage a block of federal land under some type of shared powers agreement. The terms of the arrangement, including the goals, responsibilities, and funding, will be delineated in a Memorandum of Agreement, supported by federal legislation if necessary. Several examples of such agreements exist, including the City of Rocks National Reserve in southern Idaho.³⁵

In his presentation to the Working Group, Larry Stevens, Idaho Department of Parks

and Recreation, observed that personalities are often the determining factor in the success of cooperative agreements. In other words, if one of the parties is not interested in the success of such an agreement, its chances for failure are high. This may seem like an obvious point, but it deserves emphasis because one individual can potentially make or break the project.

Although cooperative agreements have proven successful, such as the 14,320 acre City of Rocks National Reserve, it has yet to be demonstrated whether a cooperative agreement can work with the size of pilot projects and the type of general use lands being considered herein. The cooperative model has generally only been applied to smaller areas of land with a focused mission or purpose.

5.3. Trust Model

A trust clarifies in absolute terms who the trust lands are managed for, the objective for managing those lands, and therefore, the mission of the trustees and the managing agency. This clarification of “mission” and “objectives” is in stark contrast to federally administered multiple-use lands where the mission and objectives for management have been confused after a century of statutory and regulatory change and case law (see Society of American Foresters 1999).

The Idaho Federal Lands Task Force reported that, “If all other things were equal, the trust model of resource management will provide the highest degree of clarity, accountability, enforceability, and sustainability of these three alternatives” (Idaho FLTF 1998, p. 41).

Trust land management is America’s oldest

and most durable public land management model (Souder and Fairfax 1996). Many people are familiar with the trust models currently being operated on state lands in most of the western United States. The trust model is also widely recognized by the environmental community. The Nature Conservancy is the largest and best known, but the number of local land trusts is growing. A recent estimate indicates that over 1,200 locally-based trusts exist in the United States, managing 5 million acres. An additional 10 million acres are managed by large trusts such as the Nature Conservancy (O'Laughlin et al. 1998, Yandle 1999). These types of state and private trusts differ from the model proposed herein. The basic premise, however, remains the same. Trustees and land managers are accountable for meeting the mission of the trust to produce benefits in perpetuity. A trust framework precedent for managing federal lands has recently been established for the private Baca Ranch acquisition in New Mexico by Act of Congress, placing it in the National Forest System.³⁶

5.4. Conclusions: Toward Model Implementation

The Idaho Federal Lands Task Force report confirmed a General Accounting Office report that the federal land management system in the United States is broken (Idaho FLTF 1998, US-GAO 1997). The difficult task now is to identify and develop the tools to improve the situation. Managing federal lands under the cooperative, collaborative, and trust alternative models has the potential of improving federal land management decisions.

To some degree these three models already have been tested on public lands. We are not

therefore proposing something that has never been tried. Rather, we are expanding on, revising, and fine-tuning existing management methods to test their application to Forest Service and BLM lands. The scale of projects proposed will provide meaningful tests of these models.



6. Pilot Project Proposals

To develop a comprehensive approach for proposing pilot project experiments designed to improve the federal land situation in Idaho, the Working Group conducted a series of public meetings attended by Idaho citizens (see Appendix D). More than 100 groups of Idaho citizens who might be interested in developing a pilot project on federal lands were identified, contacted, and offered the

opportunity to submit proposals for pilot projects (see Appendix E). The five projects proposed herein represent the efforts of Idaho citizens who have expressed a desire to work more closely with federal land managers. These five pilot project proposals are listed in alphabetical order. Additional details for each of the projects are provided in Appendices F through J.

6.1. Central Idaho Ecosystem Trust

The concept of “ecosystem management” has been hard to scientifically define and to successfully apply on the ground. Take forest ecosystem management, for example. At both the stand level and across a landscape (see the **Glossary**), it is difficult to see where traditional forest stand-level management ends and management of the ecosystem begins. For example, a mature ponderosa pine and Douglas-fir stand that has been thinned with the objective of providing a more historically accurate or representative mixture of species and age classes may look similar to a stand that has been selectively harvested in order to enhance growth and capture economic values.

The lack of visual distinction has led to value-laden perceptions about forest management. The term “management” can mean active management through logging or passive management to promote preservation of the ecosystem, with little, if any, logging permitted. This confusion in definition and application has rendered the concept of ecosystem-based management difficult to implement as an effective land management policy.

Despite the difficulty, scientists do generally agree that ecosystem-based management is rooted in determining a range of historic, pre-

settlement conditions and then moving ecosystem components toward that condition, either passively by allowing nature to take its course or actively through a series of human decisions designed to speed up the process. The Central Idaho Ecosystem Trust (CIET) is based on the belief that forested landscapes can, indeed, move toward a more resilient and historic condition through human actions to achieve it.

Two aspects of this proposal are key to its success. First, the elements of trust law can be a useful tool to set ecological objectives and make decisions for meeting them. In this proposal, trust beneficiaries that represent wildlife, recreation, and local governments act as the interests that the trustees must protect. In optimizing the interests of each, the seven-member board of trustees (four appointed by the Governor, three appointed by the Secretary of Agriculture with the Governor’s advice) and trust managers will be forced to choose options that not only move the landscape toward its historic norm but also provide a mix of economic and social values important to the human inhabitants of this area. A “Local Advisory Council” will be appointed by the trustees. It will function as a sounding board for the trust manager in the decision-making process and manage public involvement in the planning process.

Second, the landscape is portrayed in an “Ecosystem Diversity Matrix” that portrays “Ecological Land Units” (ELUs) (Haufler et al. 1996). ELUs are a combination of habitat types and vegetative growth stages; in other words, what grows there and how big it is. For example, the “warm, dry Douglas-fir” habitat type can appear on the ground as any one of several growth stages, ranging from a seedling/sapling stand to mature old growth. Each is an ELU, and each has some impor-

tance to one or more of the native species that live within the landscape. Moreover, land managers can take conscious actions to create more or less of that ELU and measure progress toward meeting desired levels of each ELU across a broad landscape in the “Ecosystem Diversity Matrix.”

ELUs are a “coarse filter” (see the **Glossary**) describing on-the-ground conditions in a relatively simple manner. They can be identified either by on-site identification or by predicting where each will occur based on soils, elevation, aspect, and other measures gathered primarily by remote imagery.

There are 143 separate ELUs within the CIET (Mehl et al. 1998). The range of ecological conditions represented by them becomes the basis for all evaluations of historical conditions, existing conditions, and desired future conditions.

A variety of sophisticated software tools allows these ELUs to be either shown on maps as they actually exist (a “spatial” display), or in tabular form (i.e., how much of a particular ecological unit exists.) Thus, managers can readily know the location and total size of each of the 143 ELUs across the landscape that comprise the “Ecosystem Diversity Matrix” (Mehl et al. 1998).

Human involvement is a factor in ecosystem-based management and conservation. Whether that involvement is positive, moving landscapes toward a more historically representative functioning condition, or negative, in which we tolerate “deficits” in the vegetative communities that historically have defined the landscape of this area for years, is a social and political decision. Passive management in a world where civilization as we know it is part of the ecosystem will not by itself restore func-

tional ecosystems. In fact, such a strategy moves away from that goal, not toward it. The thesis of this endeavor is that restoring the ecosystem values which society desires will require conscious actions by humans, not passive inaction.

This proposal, with its combination of governance through a trust mechanism and decisions based on achieving clearly defined ecosystem diversity goals, allows ecosystem-based management and conservation to become predictable and measurable. This approach can become a tool to help manage the conflicts that have characterized public land management for most of the second half of the 20th century.

6.2. Clearwater Basin Stewardship Collaborative

This proposal involves a “Collaborative Group” guiding the management of elk habitat recovery in the Clearwater and Nez Perce National Forests. The group of no more than fifteen will include a wide range of environmental, multiple use, local government, and Native American interests, comprised of individuals with a demonstrated interest in recovering elk and other key species and in working collaboratively toward group decision-making.

The Collaborative Group will be charged with developing annual and five-year plans for the management of the project area. Congress will authorize this group and would recognize the five-year plans as a revision to the current NFMA forest plan for the pilot project area. Three five-year planning cycles, the number of years equivalent to the current NFMA forest planning period, should be completed to provide significant data to evaluate the model. An environmental

impact statement will accompany the five-year plans. For the annual plans, an environmental assessment assuring the consistency of the projects with the goals of the five-year plan will be required.

The Collaborative Group will solicit and consider public input to determine the goals and objectives for land in the pilot project area during the planning periods. The Collaborative Group will hear appeals of



management decisions on the basis that the proposed action was inconsistent with the plans. Appellants receiving an adverse decision from the Collaborative Group could seek recourse in court.

Decisions by the Collaborative Group would be by consensus of the members. In the event a consensus cannot be reached, a majority of the members would develop the Collaborative Group position or decision. The Forest Supervisor would be responsible for imple-

menting the plan developed by the Collaborative Group and would provide technical and other support necessary for plan development. The Collaborative Group would monitor plan implementation.

In order to make the ecosystem restoration project self-sustaining, revenues will be generated from land-management activities consistent with restoration objectives. Revenues and federal appropriations will be used for elk and key species habitat and herd improvement projects. In order to provide for a healthy ecosystem, other projects to improve additional wildlife and fisheries habitats and recreation enhancement should be considered. The revenues generated from forest ecosystem management will be available to help pay for the plan's implementation.

For the purposes of this pilot project, revenues collected from within either of the two national forests can be used anywhere within the project area regardless of the source of the revenues. The appropriate use of the revenues to implement the plans will be decided jointly by the Collaborative Group and the two Forest Supervisors. Until the Collaborative Group project is authorized by Congress, existing NFMA land management plans, policies and legal restrictions will remain in force. Once the new plan is complete and approved through the NEPA process, however, it will replace, in full, the existing NFMA plans.

By its nature, a collaborative effort for these two forests must leave some unanswered questions. For example, the operations of the group itself must be left to the Collaborative Group to decide, once the group is established. We do suggest, however, that any entry into RARE II inventoried roadless areas be, first of all, necessary to meet elk

habitat and population restoration goals.

Second, generally such entry does not require permanent open roads to be constructed in these areas.

Collaboration at this level means that the larger issues on the Clearwater and the Nez Perce National Forests that would logically be addressed through a comprehensive plan need to be identified. While elk habitat recovery will become the focus of collaboration when the annual and five-year plans are developed, efforts to increase elk numbers cannot ignore multiple-use considerations or compromise the successful resolution of such other important issues such as anadromous fish recovery. In fact, if this effort is to be truly successful, it must be complementary to the other matters on both forests that need attention. Based upon the current NFMA forest plans, accompanied by more recent social developments and assessments of on-the-ground conditions, the following issues stand out as potentially benefiting from a collaborative management approach:

1. Improve habitat for steelhead, salmon, and native trout. The Nez Perce National Forest could produce 15% of the total Columbia River system chinook salmon population.
2. Improve aquatic habitat through restoration projects.
3. Improve habitat for lynx and other threatened or endangered species.
4. Restore ponderosa pine, western white pine, and western larch, over time, to an ecologically resilient state within the historic range of variability.
5. Restoration of whitebark pine in higher elevations.
6. Manage vegetation to reduce the risk of unnaturally severe and intense fires.
7. Provide an economical means of thinning

overstocked stands and reducing fuel loads.

8. Demonstrate local forest-related professionals can be partners in ecosystem management and restoration.
9. Maintain desirable rural characteristics.
10. Publicize the Nez Perce National Forest to increase tourism.

6.3. Priest Lake Basin Cooperative

This proposal involves a Memorandum of Understanding (MOU) between the Idaho Department of Lands, the U.S. Forest Service, and the Idaho Department of Parks and Recreation on management objectives and responsibilities in the Priest Lake basin. The basis for this proposal is that three management responsibilities for the Priest Lake basin (timber, wildlife, and recreation) will, by virtue of land ownership and existing uses, remain prominent. Meeting these objectives will be easier and more efficient if the individual efforts of the parties to the MOU are combined. A "Public Advisory Committee" will provide advice representative of local and national interests to the resource managers.

Of the 265,000 acres in the Priest Lake Ranger District of the Idaho Panhandle National Forest, approximately half the area provides habitat for a threatened population of grizzly bears. This proposal does not include active forest ecosystem management in this portion of the Cooperative except to benefit grizzly bears.

The management of the Cooperative will be guided by a "Local Agency Managers" group consisting of the local managers for the Department of Lands, the Department of Parks and Recreation and the Forest Service. Although the U.S. Fish and Wildlife Service,

the Idaho Department of Fish and Game, and the Idaho Department of Environmental Quality each have various regulatory responsibilities, they do not control and manage land in the Priest Lake basin.

The managers' efforts will be augmented by the Public Advisory Committee, along with representatives of other state or federal agencies with regulatory authorities for Priest Lake resources. Each of the managers will retain their current employment status and rely upon their existing budget and staffs for operational planning and implementation.

Currently, each agency reports, respectively, to the Idaho Board of Land Commissioners, the Parks and Recreation Board, or the hierarchy of the U.S. Forest Service and Department of Agriculture. For the purposes of this pilot project, senior managers from each of the three agencies will comprise the Local Agency Managers group.

The public will have a strong voice through the local Public Advisory Committee that will include representatives of all those with a demonstrated interest in the management of the Priest Lake basin. The membership of the committee will include equitable representation of such interests as county commissioners, the environmental community, wildlife interest groups, wildlife advocates, forest industry, recreational interest groups, and local business interests. The Public Advisory Committee will have significant administrative functions, such as helping provide public involvement in the preparation of one- and five-year plans, plus acting as a facilitator to resolve differing views on management plans. The scope of the Committee's responsibilities should be refined through public discussion of this proposal. Therefore, this proposal does not presume to detail them at this point.

As described in the report of the Idaho Federal Lands Task Force, planning will include annual plans, five-year plans, and specific project plans designed to implement the annual plans. Annual and five-year plans will be subject to public review and "appealable" to the Public Advisory Committee. Appeal of the plans will be limited to only those who availed themselves of the opportunities for public involvement in their development. Planning will be carried out as a function of the Local Agency Managers, with those managers relying upon the personnel of the existing three agencies.

6.4. St. Joe Ecosystem Stewardship Project

The basis for this project is the "stewardship contract" law enacted by Congress in 1998.³⁷ The concepts embodied in the statute meet many of the objectives of the recommendations of the Idaho Federal Lands Task Force, although the law did not exist when the Task Force was completing its work. Resource management under this new law meets many of the Task Force's recommendations without major overhaul of existing statutes and policies.

The essence of this proposal is simple—all the resource management work to be completed on the St. Joe District of the Idaho Panhandle National Forest will be completed through stewardship contracts. NEPA analysis will be done for each contract. These contracts will generate revenue from thinning overcrowded stands. Management goals are restoring long-lived seral species such as western white pine, western larch, and ponderosa pine, and increasing forage for elk and other big game species. Revenues from these projects will, first of all, support local governments, and, second, be available to

fund projects that do not generate revenue, such as watershed improvements. A “Local Advisory Committee” and a forest level “Investment Project Advisory Committee” will oversee all the work.

The St. Joe project encompasses 726,000 acres of national forest ownership. Approximately 25% of the total land area in the St. Joe River Basin is currently roadless, with roadless lands comprising 48% of the national forest ownership, or 348,000 acres. Two rivers drain the St. Joe area; the St. Joe itself and its major tributary, the St. Maries. The southern portion of the area includes headwater streams of the Little North Fork of the Clearwater, which flow to the south into Dworshak Reservoir.

The staff of the St. Joe District has developed *An Interim Ecosystem Management Framework* by converting the findings of the Interior Columbia Basin Ecosystem Management Plan (ICBEMP) into specific proposed objectives and management priorities. This will be accomplished by several actions:

- Aquatic habitats may be restored by building instream structures that would create pools and riparian zones for the recruitment of large woody debris. Other restoration methods include reducing road densities on sensitive land types by obliterating roads within break lands, or reconstructing those that are to remain system roads, and reducing the mileage of those roads within riparian areas. It is also recommended that roads should be obliterated or reconstructed to stabilize slopes and roadbeds.
- Terrestrial habitats can be restored by a reduction in the lodgepole pine stands and replacement with more resilient, long-lived seral species. Replanting these

areas with rust resistant white pine, larch or ponderosa pine will establish these seral species.

The ecosystem-based management plan will also include restoration of forest conditions by thinning established ponderosa pine, larch, and Douglas-fir stands to remove shade tolerant understory species. Thinning will accelerate the development of large, early-seral trees established from 1910-1930



era fires, including larch and ponderosa pine. Western white pine restoration involves managing regeneration efforts and planting rust-resistant white pine, particularly on sites where root rot and mountain pine beetle hazard is high, or where stands are moving toward more fire-intolerant species, e.g. Douglas-fir and grand fir.

Stewardship contracting has recently been viewed as a new approach to accomplishing

needed on-the-ground work on federal lands. Through this concept, the Forest Service offers a contract to accomplish such objectives as road relocation, thinning, camp-ground repairs, or restoration of a particular tree species or type. Generally, the work is a combination of ecosystem needs, such as those identified in the St. Joe project. Timber that is removed as part of this work can be sold by the contractor and the value of it used to offset the cost of the work needed by the Forest Service. If revenues from the project exceed the costs of completing the work, then that money is retained by the local unit of the Forest Service to augment projects where costs will likely exceed revenues.

In 1998, Congress recognized the validity of this concept by authorizing a number of stewardship projects through a subsection of the FY1999 appropriation bill.³⁸ In addition, this law provided guidance on how the projects were to be evaluated and implemented, plus exempted them from other laws that would have impeded their implementation, such as the Knutson-Vandenberg Act³⁹ that would have otherwise dictated that a portion of the stewardship contract proceeds be kept for reforestation of any logged areas. While all the projects authorized by this law were fully subscribed and are now either being developed or implemented (see USDA Forest Service 2000), Congress has shown recent interest in extending and expanding the concept.

The combination of stewardship contracts and service contracts pave the way to complete the ecosystem restoration work needed on the St. Joe District. While some additional legislative language or intent may be necessary to reconcile the details of the law with this proposal and to reauthorize additional stewardship projects, the St. Joe Valley Association sees no need to modify other

federal statutes or the structure of the Forest Service at this time. The St. Joe District will develop its work plan around a series of stewardship contracts that will be developed locally and approved through the Investment Project Advisory Committee.

In the organizational structure, both the Investment Project Advisory Committee and the Local Advisory Committee will have a broad membership, consisting of business and civic leaders, those with environmental interests, sportsmen, industry representatives, and others with an interest in the operation of the pilot project. Their roles, however, will be markedly different. The Local Advisory Committee group will actually conceive and develop the individual stewardship projects, with the help of the St. Joe District Ranger and his or her staff. The Investment Project Advisory Committee will carry out the actual implementation and approval of the projects on the St. Joe District.

Reforming the Forest Service in a way that helps the agency achieve the needs of the ecosystem as well as those of the local communities will not be an easy task. Many approaches must be explored, including those espoused by the Idaho Federal Lands Task Force that call for changes in the rules governing the operation of the Forest Service, at least for the terms of the pilot projects identified by the Task Force Working Group. The St. Joe Valley Association believes, however, there is also room for consideration of an approach that retains the current structure of the Forest Service and will operate within existing rules.

6.5. Twin Falls/Cassia Resource Enhancement Trust

The proposal advances an experimental area embracing most of Twin Falls and Cassia Counties that will be managed by a single administrative unit. In order to conform to current federal land-management agency administrative boundaries, the project area embraces much of the Burley Bureau of Land Management (BLM) Resource Area and all of the Twin Falls and Burley Forest Service Ranger Districts. The project's west boundary is the west boundary of the Burley BLM Resource Area. The north boundary is the Snake River. The south boundary is the state line with the exception of embracing the Raft River division of the Burley Ranger District. The east boundary is the east boundary of Cassia County with the exception of embracing all of the Sublett Division of the Burley Ranger District, which extends a short distance into Oneida County.

The proposal is primarily the trust model with key elements from the collaborative model. The mixed model capitalizes on the strengths of both. A trust is utilized to provide a setting conducive to creative experimentation and management. A collaboration model is utilized to create a "Local Steering Committee" within the trust to capitalize on the on-the-ground experience of the greater Twin Falls and Cassia Counties community in concert with national interests.

The proposed project area is rich in diversity and values. It has two ski areas and numerous campgrounds. It is home to one of Idaho's best mule deer populations and offers good fishing. The area is a haven for off-road

vehicles, motorized recreation vehicles, and snowmobiling activities.

The local communities in the area are agriculture based and public land resources dependent. Their populations are steady, but the economy of the region has experienced federal resource use reductions. These communities are unique candidates to test the



premise that alternative public land management arrangements will help stabilize their economies.

Congress, acting as the "trust settlor," will pass legislation to establish the trust, name the beneficiaries and trustees, and provide any guidance needed for the operation of the

trust. The trust instrument will state the purpose for which the trust is to be managed, i.e., “to ensure ecosystem diversity across the landscape, while providing an optimum mix of social and economic benefits.”

Beneficiaries will include entities capable of representing the interests of local communities, users of resources (water, wildlife and range) and future generations. As described in the Idaho Federal Lands Task Force report (Idaho FLTF 1998), trustees will represent both national and local interests.

Financially, the trust must generate sufficient revenue sources to provide adequate returns to the beneficiaries. The trustees must also make investments to preserve the body of the trust and provide some assurance of returns to the beneficiaries on a sustained, perpetual basis. The trust manager and staff will likely come from the established agency structure within the area of the trust’s operation.

The trust will encompass all the national forest and BLM lands within the 1.3 million acre area proposed.

The proposal will also establish a Local Steering Committee that represents a cross-section of the Twin Falls/Cassia community. The committee will help the trustees determine policy and provide valuable input on key resource issues such as recreational use, elimination of noxious weeds, and prevention of wildfires.

Under this model, more detailed objectives will be articulated by the trustees and the Local Steering Committee. For example, an extension of the “protect species” objective should be the protection and enhancement of sage grouse and cutthroat trout in this project area. The trustees and Local Steering Committee will have a hand in setting detailed

objectives. The project period will be a minimum of 15 years with a provision for extension. The project area includes no wilderness or wilderness candidate acreage.

The Local Steering Committee will make management decisions by consensus. Management objectives will be developed and prioritized. Objectives should be measurable, attainable, and strive toward accomplishing common goals. An action plan will then be prepared to identify who, when, where, and what will be accomplished. Assignments should be given to individual members and subcommittees should be formed to accomplish separate tasks.

Increased monitoring will be a priority to provide improved baseline data and direction in accomplishing goals and objectives. If monitoring indicates downward trends, then re-planning can take place to get back on track. Flexibility must be in the plan to allow for natural catastrophes, drought, floods, fires, ownership changes, changing range conditions, etc.

The Twin Falls/Cassia Resource Enhancement Trust proposal is unique. It proposes to combine two separate federal agencies under a single management structure. Simultaneously, it combines two distinctly different types of landscapes and resources, grasslands and forests. It proposes to combine shared and similar resources, such as water, fish and wildlife, and recreation resources, under a single, yet common set of management enhancement and protection strategies.

7. Legal Analysis

The conflicting patchwork of federal laws and regulations governing public lands in the West has frustrated attempts to bring innova-

tive solutions to ecosystem-based cooperative planning. Implementation of the National Environmental Policy Act of 1969 (NEPA) is a leading example (see Section 7.1). As a result, opportunities to explore alternative, inclusive, public planning in federal land management have been squandered.

By its nature, a collaborative effort must leave some unanswered questions. For example, the operations of the group itself must be left to the Collaborative Group to decide, once the group is established. We do suggest, however, that any entry into RARE II inventoried roadless areas be, first of all, necessary to meet habitat and population restoration goals. Second, generally such entry does not require permanent open roads to be constructed in these areas.

Implementation of the five pilot projects recommended herein will require amendments to the legal framework, i.e., statutes and regulations, governing management of federal lands. The amendments are summarized in Tables 1 through 8 (Section 7.2). These tables were developed from similar tables in the Task Force report (Idaho FLTF 1998). They outline the amendments necessary to implement the proposed projects.

The Working Group does not propose as part of these projects any change in the rules for the “25% fund” distribution of receipts from federal lands to counties, schools, and highway districts under federal and state law.⁴⁰

Further, the Working Group supports the current Small Business Program that allocates timber resources between large and small business operations. Timber production resulting from pilot projects must be credited between these entities according to existing statute and regulation.

The pilot projects proposed by the Working Group present a unique opportunity to make the management of federal lands more efficient. Through consolidation of procedural requirements and elimination of duplicate procedures, a more effective process can be implemented.

7.1. National Environmental Policy Act Compliance

Federal laws protecting our environment have accomplished many of the goals for which they were created. Our perception and understanding of the value of the public resources and their place in our environment have been, in large part, molded by these federal laws. The National Environmental Policy Act of 1969 (NEPA) is one of the first laws to reflect the emerging environmental conscience of America in the latter half of the 20th century. It recognized the desire to “create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.”⁴¹

The specific procedures in regulations for implementing NEPA have spawned thousands of lawsuits that were not originally anticipated (Rodgers 1994). The goals, standards, and purposes of NEPA should not be abandoned by any recommendations to reform our public land laws. Rather, these recommendations should incorporate more efficient and effective procedures to achieve the original aims of the law.

It is also undeniable that many natural resource advocates have come to rely on NEPA procedures to ensure judicial scrutiny over federal agency decision-making and slow the pace of resource use. Such use of

NEPA processes is authorized and permitted under the current federal statutory scheme, notwithstanding the complaints of some resource users. Because of their reliance on administrative and judicial review to direct federal decision-making, environmental advocates can be expected to be skeptical of any changes to existing federal laws for fear that change will disturb their assurance of exacting judicial review.

What would be the result if the effort, funds, time, and resources that go into judicial review of federal decision-making were redirected to cooperative decision-making? If citizens were able to spend less time on judicial dispute resolution at the end of the federal decision-making process and more on cooperative efforts on a national and local level, federal land management agencies would become better stewards of public resources and our environment.

The five pilot projects in this report all rely, to some extent, on Congress to modify the statutes and regulations governing management of federal lands. Because, however, each of these projects embodies the principles of collective decision-making by widely representative stakeholders for the benefit of the public resource, it is our hope that we can incorporate the goals and purposes of NEPA review into a streamlined process. We therefore call upon Congress to include, in authorization of these pilot projects, the requirement for a cooperative and precisely delineated environmental review process (see details in Tables 1, 2, and 4).

Congressional authorization should include the requirement that if the preparation of an environmental impact statement or environmental assessment under NEPA or any other federal environmental review, analysis,

opinion, permit, license, or approval is required for a project action, a cooperative environmental review process will be employed. (This is, of course, unless a categorical exclusion will apply.) A single lead federal agency will be designated for development and implementation of the cooperative environmental review process for actions under each pilot project. The Secretary of Agriculture will be designated for projects primarily involving federal lands under the jurisdiction of the Forest Service, and the Secretary of the Interior will be designated for projects involving federal lands primarily under the jurisdiction of the Bureau of Land Management.

The cooperative environmental review process will be incorporated into a memorandum of understanding (MOU) between the state and federal agencies involved. The environmental review process will identify all potential federal and state agencies that have jurisdiction over related issues that may be affected by the pilot project and will otherwise be part of an environmental document required by NEPA.

The MOU will also be required to identify any other federal agency that might be required by federal law to independently conduct a review or analysis to determine whether to issue a permit, license, or approval or render an opinion on the environmental impact of a project action.

The MOU will ensure that all environmental reviews, analyses, opinions, permits, licenses, or approvals that must be issued by any federal agency will be conducted concurrently with NEPA environmental analysis for the project action and the NEPA and related analysis. Reviews will be completed within a cooperatively determined or legally established maximum time period. We recom-

ment one year for Environmental Impact Statements (EIS) (see Tables 1, 2, and 4).

Each federal and state agency's review will be required to be completed within the agreed-upon time periods. If a federal or state agency under the MOU fails to complete its review, analysis, opinion, or decision on issuing any permit, license, or approval within the established time period, the project will be deemed approved by the agency. An extension of negotiations and completion of the review, analysis, opinion, or decision on issuing a permit, license, or approval not to exceed 90 days could be included in the MOU if failure to permit such an extension will result in material and demonstrable harm to the environment.

Public participation is fully incorporated into this cooperative review process, with meaningful participation required for later standing to object to any approved action. Provision for collective, tiered analysis of the cumulative effects of project actions, by five-year project plans and one-year implementation schedules, will consolidate analyses, reviews, and public participation into manageable and meaningful groupings and increments. This will streamline and facilitate participation by all stakeholders.

This approach is only a procedural refinement of the current NEPA regulations and is completely consistent with the current statute. Similar time limits and reasonable expediting of analysis and review have been successfully incorporated in the implementation of environmental statutes such as the Coastal Zone Management Act, Clean Water Act, and California Environmental Quality Act.⁴² The latter is a close cousin of NEPA itself.

In this way, and through these safeguards, we

seek to protect both the environment and the integrity of these pilot projects. It is our hope that through a refined environmental review process that encourages collective and constructive participation in decision-making by persons of good will and common intent, we can streamline the NEPA process.

7.2 Comparison of Projects

The following eight tables compare how each of the five proposed projects will meet the functional objectives described in Section 4.3. The tables provide a checklist for understanding how, for example, the projects will involve the public (Table 1), protect water quality (Table 3), and improve community stability (Table 8).

**TABLE 1: COMPARISON OF PROJECTS
FUNCTIONAL OBJECTIVE: INVOLVE THE PUBLIC**

Central Idaho Ecosystem Trust	Clearwater Basin Stewardship Collaborative	Priest Lake Basin Cooperative	St. Joe Ecosystem Stewardship Project	Twin Falls/Cassia Resource Enhancement Trust
Provide process for public input on five- and one-year plans to comply with NEPA.	Provide process for public input on five- and one-year plans to comply with NEPA.	Provide process for public input on five- and one-year plans to comply with NEPA.	Provide process for public input on NFMA 10-15 year plan and individual NEPA projects.	Provide process for public input on five- and one-year plans to comply with NEPA.
Trustees represent national and local interests. Trustees approve management plans, decide appeal, and ensure needs of beneficiaries are met. The Local Advisory Council manages public involvement in all phases of the planning process.	Collaborative Group develops and guides management plans.	Scoping completed by Public Advisory Committee.	Scoping is completed by the Forest Service. A Local Advisory Committee will conceive and develop individual stewardship projects. A forest level Investment Project Advisory Committee will oversee all work.	Scoping is completed by the Local Steering Committee. Trustees represent national and local interests. Trustees approve management plans, decide appeal, and ensure needs of beneficiaries are met.
The public input process for the five-year plan operates within the following time frames: 1) The draft plan with alternatives is published. Public comments are accepted for 60 days. 2) Within 60 days the final draft with the preferred alternative is published. 3) Public comment is accepted for 30 days following publication of the final draft. 4) The agency decision is published within 30 days of the close of the comment period.	The public input process for the five-year plan operates within the following time frames: 1) The draft plan with alternatives is published. Public comments are accepted for 60 days. 2) Within 60 days the final draft with the preferred alternative is published. 3) Public comment is accepted for 30 days following publication of the final draft. 4) The agency decision is published within 30 days of the close of the comment period.	The public input process for the five-year plan operates within the following time frames: 1) The draft plan with alternatives is published. Public comments are accepted for 60 days. 2) Within 60 days the final draft with the preferred alternative is published. 3) Public comment is accepted for 30 days following publication of the final draft. 4) The agency decision is published within 30 days of the close of the comment period.	The public input process operates within NEPA guidelines.	The public input process for the five-year plan operates within the following time frames: 1) The draft plan with alternatives is published. Public comments are accepted for 60 days. 2) Within 60 days the final draft with the preferred alternative is published. 3) Public comment is accepted for 30 days following publication of the final draft. 4) The agency decision is published within 30 days of the close of the comment period.
Constructive involvement in the public comment process is required to maintain the right to appeal the decision. There are two levels of formal appeals prior to judicial appeal.	Constructive involvement in the public comment process is required to maintain the right to appeal the decision. There is one level of formal appeal prior to judicial appeal.	Constructive involvement in the public comment process is required to maintain the right to appeal the decision. There are two levels of formal appeals prior to judicial appeal.	Minimal involvement is required to appeal the decision. There are two levels of appeal consistent with Forest Service processes.	Constructive involvement in the public comment process is required to maintain the right to appeal the decision. There are two levels of formal appeal.

TABLE 2: COMPARISON OF PROJECTS
FUNCTIONAL OBJECTIVE: STREAMLINE AND LOCALIZE DECISION-MAKING

Central Idaho Ecosystem Trust	Clearwater Basin Stewardship Collaborative	Priest Lake Basin Cooperative	St. Joe Ecosystem Stewardship Project	Twin Falls/Cassia Resource Enhancement Trust
Establishes a one-year planning process.	Establishes a one-year planning process.	Establishes a one-year planning process.	Follows NFMA and NEPA planning process.	Establishes a one-year planning process.
A Local Advisory Council assists in the five-year planning process.	The Collaborative Group assists in development of the five-year and one-year plans.	A Public Advisory Committee assists in the five-year planning process.	A Local Advisory Committee assists in the planning process. Investment Project Advisory Committee implements.	A Local Advisory Council assists in the five-year planning process.
The five-year plan consists of one-year components.	The five-year plan consists of one-year components.	The five-year plan consists of one-year components.	The NFMA plan is for 10-15 years.	The five-year plan consists of one-year components.
There is a single level of informal appeal.	There is a single level of informal appeal.	There is a single informal issue resolution point with the Local Agency Managers.	There are multiple levels of NEPA appeals.	There is a single level of consultation.
Constructive involvement in the public comment process is required to maintain rights to appeal.	Constructive involvement in the public comment process is required to maintain rights to appeal.	Constructive involvement in the public comment process is required to maintain rights to appeal.	Constructive involvement in the public comment process is desired but not required.	Constructive involvement in the public comment process is required to maintain rights to appeal.
There are two levels of formal appeals.	There is one level of formal appeals.	There are two levels of formal appeals.	There are multiple levels of NEPA appeals.	There are two levels of formal appeals.
Decisions on uses permissible in roadless areas will be made in the planning process; in general, entry to these areas will not involve construction of permanent open roads.	Decisions on uses permissible in roadless areas will be made in the planning process; in general, entry to these areas will not involve construction of permanent open roads.	Decisions on uses permissible in roadless areas will be made in the planning process; in general, entry to these areas will not involve construction of permanent open roads.	Decisions on uses permissible in roadless areas will be made in the planning process; in general, entry to these areas will not involve construction of permanent open roads.	Decisions on uses permissible in roadless areas will be made in the planning process; in general, entry to these areas will not involve construction of permanent open roads.

**TABLE 3: COMPARISON OF PROJECTS
FUNCTIONAL OBJECTIVE: PROTECT WATER QUALITY**

Central Idaho Ecosystem Trust	Clearwater Basin Stewardship Collaborative	Priest Lake Basin Cooperative	St. Joe Ecosystem Stewardship Project	Twin Falls/Cassia Resource Enhancement Trust
Consistent with the Clean Water Act, the State Water Quality Plan will be relied on to protect water quality. It includes: The Forest Practices Act, the Dredge and Placer Mining Act, the Lake Protection Act, and the Surface Mining Act. Each of these establishes BMPs and minimum requirements to protect water quality.	Consistent with the Clean Water Act, the State Water Quality Plan will be relied on to protect water quality. It includes: The Forest Practices Act, the Dredge and Placer Mining Act, the Lake Protection Act, and the Surface Mining Act. Each of these establishes BMPs and minimum requirements to protect water quality.	Consistent with the Clean Water Act, the State Water Quality Plan will be relied on to protect water quality. It includes: The Forest Practices Act, the Dredge and Placer Mining Act, the Lake Protection Act, and the Surface Mining Act. Each of these establishes BMPs and minimum requirements to protect water quality.	Adopt forest plan standards for streams. INFISH standards apply. ICBEMP slope adjustment factor to modify INFISH standards.	Consistent with the Clean Water Act, the State Water Quality Plan will be relied on to protect water quality. It includes: The Forest Practices Act, the Dredge and Placer Mining Act, the Lake Protection Act, and the Surface Mining Act. Each of these establishes BMPs and minimum requirements to protect water quality.
Voluntary BMPs for agricultural activities.	Voluntary BMPs for agricultural activities.	Voluntary BMPs for agricultural activities.	Monitor compliance with forest plan standards.	Voluntary BMPs for agricultural activities.
The Cumulative Watershed effects process as a basis for TMDL development on forested watersheds.	The Cumulative Watershed effects process as a basis for TMDL development on forested watersheds.	The Cumulative Watershed effects process as a basis for TMDL development on forested watersheds.	Complete sub-basin assessments.	The Cumulative Watershed effects process as a basis for TMDL development on forested watersheds.
Monitoring and adjustment of BMPs to meet water quality standards.	Monitoring and adjustment of BMPs to meet water quality standards.	Monitoring and adjustment of BMPs to meet water quality standards.	Comply with state BMP's and state water quality standards.	Monitoring and adjustment of BMPs to meet water quality standards.

**TABLE 4: COMPARISON OF PROJECTS
FUNCTIONAL OBJECTIVE: PLANNING**

Central Idaho Ecosystem Trust	Clearwater Basin Stewardship Collaborative	Priest Lake Basin Cooperative	St. Joe Ecosystem Stewardship Project	Twin Falls/Cassia Resource Enhancement Trust
Five-year plan includes land allocations, community, social, and economic needs and impacts. It defines expected outputs.	Provide process for public input on five- and one-year plans.	Provide process for public input on five- and one-year plans.	Provide process for public input on NFMA 10-15 year plans.	Five-year plan includes land allocations, community, social, and economic needs and impacts. It defines expected outputs.
The five-year plan requires an EIS.	The five-year plan requires an EIS.	The five-year plan requires an EIS.	The plan requires an EIS.	The five-year plan requires an EIS.
Recognize existing Native American obligations.	Recognize existing Native American obligations.	Recognize existing Native American obligations.	Recognize existing Native American obligations.	Recognize existing Native American obligations.
The one-year plan lists specific projects proposed to fulfill the commitments of the five-year plan.	The one-year plan lists specific projects proposed to fulfill the commitments of the five-year plan.	The one-year plan lists specific projects proposed to fulfill the commitments of the five-year plan.	The plan does not list specific projects proposed to fulfill the commitments of the plan.	The one-year plan lists specific projects proposed to fulfill the commitments of the five-year plan.
The one-year plan requires an EA.	The one-year plan requires an EA.	The one-year plan requires an EA.	Projects require an EA or EIS.	The one-year plan requires an EA.
Once the one-year plan is in place, projects proceed without a further decision process.	Once the one-year plan is in place, projects proceed without a further decision process.	Once the one-year plan is in place, projects proceed without a further decision process.	Projects are appealable.	Once the one-year plan is in place, projects proceed without a further decision process.
If a project is not covered in the five- or one-year plan, an EIS or EA will be required and will need to go through the public input process.	If a project is not covered in the five- or one-year plan, an EIS or EA will be required and will need to go through the public input process.	If a project is not covered in the five- or one-year plan, an EIS or EA will be required and will need to go through the public input process.	An EIS or EA will be required for all projects and will need to go through the public input process.	If a project is not covered in the five- or one-year plan, an EIS or EA will be required and will need to go through the public input process.
One year to complete EIS. Six months to complete EA. Thirty days to appeal final plan. Forty-five days after receiving appeal to render decision.	One year to complete EIS. Six months to complete EA. Thirty days to appeal final plan. Forty-five days after receiving appeal to render decision.	One year to complete EIS. Six months to complete EA. Thirty days to appeal final plan. Forty-five days after receiving appeal to render decision.	Normal NEPA timelines apply.	One year to complete EIS. Six months to complete EA. Thirty days to appeal final plan. Forty-five days after receiving appeal to render decision.
A MOU between the agencies involved would provide for streamlined NEPA compliance. An extension of negotiations and completion of the review, analysis, opinion, or decision on issuing a permit, license, or approval not to exceed 90 days could be included in the MOU.	A MOU between the agencies involved would provide for streamlined NEPA compliance. An extension of negotiations and completion of the review, analysis, opinion, or decision on issuing a permit, license, or approval not to exceed 90 days could be included in the MOU.	A MOU between the agencies involved would provide for streamlined NEPA compliance. An extension of negotiations and completion of the review, analysis, opinion, or decision on issuing a permit, license, or approval not to exceed 90 days could be included in the MOU.	A MOU between the agencies involved would provide for streamlined NEPA compliance. An extension of negotiations and completion of the review, analysis, opinion, or decision on issuing a permit, license, or approval not to exceed 90 days could be included in the MOU.	A MOU between the agencies involved would provide for streamlined NEPA compliance. An extension of negotiations and completion of the review, analysis, opinion, or decision on issuing a permit, license, or approval not to exceed 90 days could be included in the MOU.

**TABLE 5: COMPARISON OF PROJECTS
FUNCTIONAL OBJECTIVE: PROTECT SPECIES (All Species)**

Central Idaho Ecosystem Trust	Clearwater Basin Stewardship Collaborative	Priest Lake Basin Cooperative	St. Joe Ecosystem Stewardship Project	Twin Falls/Cassia Resource Enhancement Trust
NFMA and FLPMA requirements (See table 3 for water quality) must be met.	NFMA and FLPMA requirements (See table 3 for water quality).	NFMA and FLPMA requirements (See table 3 for water quality) must be met.	Follow current NFMA forest plans. Management guidelines specifications are defined in management plan.	NFMA and FLPMA requirements (See table 3 for water quality).
The EIS must address fish and wildlife issues and impacts is required at the five-year plan level only.	An EIS addressing fish and wildlife issues and impacts is required at the five-year plan level only.	The EIS must address fish and wildlife issues and impacts and is required at the five-year planning level only.	An EIS addressing fish and wildlife issues and impacts is required at the plan level.	An EIS addressing fish and wildlife issues and impacts is required at the five-year plan level.
An EA providing more specific fish and wildlife impact and protection actions is required at the one-year plan level.	An EA providing more specific fish and wildlife impact and protection actions is required at the one-year plan level.	An EA providing more specific fish and wildlife impact and protection actions is required at the one-year plan level.	An EA providing more specific fish and wildlife impact and protection actions is required at the project level.	An EA providing more specific fish and wildlife impact and protection actions is required at the one-year plan level.
Money is available for habitat protection and restoration through the “public goods” and payments to beneficiaries.	Money for habitat protection and restoration activities is available through current appropriations process and revenue generated by the collaborative group.	Money for habitat protection and restoration activities is available through current appropriations process and revenue generated activities in accordance with Memorandum of Agreement.	Money for habitat protection and restoration activities is available through current appropriations process and revenue generating activities in accordance with Stewardship contracting guidelines, i.e., trading goods for services.	More money is available for habitat protection and restoration through the “public goods” and payments to beneficiaries than is currently available.

**TABLE 6: COMPARISON OF PROJECTS
FUNCTIONAL OBJECTIVE: THREATENED AND ENDANGERED SPECIES PROTECTION**

Central Idaho Ecosystem Trust	Clearwater Basin Stewardship Collaborative	Priest Lake Basin Cooperative	St. Joe Ecosystem Stewardship Project	Twin Falls/Cassia Resource Enhancement Trust
ESA requirements. Consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service is required at the one-year plan level only.	ESA requirements. Consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service is required at the one-year plan level only.	ESA requirements. Consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service is required at the one-year plan level only.	ESA requirements apply. Consultation with the U.S. Fish and Wildlife is required at both the plan and project levels.	ESA requirements. Consultation with the U.S. Fish and Wildlife Service is required at the one-year plan level only.
Money is available for habitat protection and restoration through payments for “public goods” and to beneficiaries.	Money for habitat protection and restoration activities is available through current appropriations process and revenue generating activities as determined by the collaborative group.	Money for habitat protection and restoration activities will be available through current appropriations process and revenue generating activities.	Money for habitat protection and restoration activities is available through current appropriations process and revenue generating activities in accordance with Stewardship contracting requirements.	Money is available for habitat protection and restoration through payments for “public goods” and to beneficiaries.

**TABLE 7: COMPARISON OF PROJECTS
FUNCTIONAL OBJECTIVE: STABILIZE BUDGETS**

Central Idaho Ecosystem Trust	Clearwater Basin Stewardship Collaborative	Priest Lake Basin Cooperative	St. Joe Ecosystem Stewardship Project	Twin Falls/Cassia Resource Enhancement Trust
Operations are funded from the proceeds of revenue producing projects and from state and federal government appropriations.	Operations are funded from the proceeds of revenue producing projects and from state and federal government appropriations.	Operations from each land management entity as per their individual appropriations process are expected to be no less than current levels.	Operations are funded from the proceeds of revenue producing projects and from state and federal appropriations.	The operation of the trust is funded from congressional appropriations.
Appropriated funding would be ear-marked by Congress for expenditure specifically on this project	Appropriated funding would be ear-marked by Congress for expenditure specifically on this project	Receipts from cooperative provided to the endowment trust beneficiaries as provided by current law.	Funding consistent with authorizing statute.	Appropriated funding would be ear-marked by Congress for expenditure specifically on this project.
A management account will provide funds for public goods, beneficiaries, and management expenses	Funds can be proportioned to counties or held as a contingency fund for other activities.	A contingency account is provided to allow funds savings for unexpected projects.	When revenues from the project exceed the costs of operations, funds are retained by the local Forest Service unit for priority projects.	A reserve account is managed to adjust for fluctuations in the flow of proceeds from the trust.

**TABLE 8: COMPARISON OF PROJECTS
FUNCTIONAL OBJECTIVE: IMPROVE COMMUNITY STABILITY**

Central Idaho Ecosystem Trust	Clearwater Basin Stewardship Collaborative	Priest Lake Basin Cooperative	St. Joe Ecosystem Stewardship Project	Twin Falls/Cassia Resource Enhancement Trust
Nothing in authorizing or appropriating language shall be construed as affecting the distribution of revenues to local governments (e.g. 25% forest funds under 16 U.S.C. Sec. 500).	Nothing in authorizing or appropriating language shall be construed as affecting the distribution of revenues to local governments (e.g. 25% forest funds under 16 U.S.C. Sec. 500).	Nothing in authorizing or appropriating language shall be construed as affecting the distribution of revenues to local governments (e.g. 25% forest funds under 16 U.S.C. Sec. 500).	Forest fund payments will continue in each stewardship project area (i.e. 25% forest funds under 16 U.S.C. 500.)	Nothing in authorizing or appropriating language shall be construed as affecting the distribution of revenues to local governments (e.g. 25% forest funds under 16 U.S.C. Sec. 500).
Expected outputs are identified in the five-year plans. This helps provide a diverse economy.	Expected outputs are identified in the five-year plans. This helps provide a diverse economy.	Expected outputs are identified in the five-year plans. This helps provide a diverse economy.	Expected outputs are to meet local community needs.	Expected outputs are identified in the five-year plans. This helps provide a diverse economy.
The EIS planning process is completed in one year. The EA process is completed in six months.	The EIS planning process is completed in one year. The EA process is completed in six months.	The EIS planning process is completed in one year. The EA process is completed in six months.	The planning process is completed in 3-5 years.	The EIS planning process is completed in one year. The EA process is completed in six months.
The Local Advisory Council will manage public involvement in all phases of the planning process but has no decision-making authority.	A collaborative group provides one level of formal appeal for the five-year plan.	Consistent management directives in the Memorandum of Agreement provide consistent decisions; all parties under same rules.	Investment Project Advisory Committee provides consistent management of activities.	A Local Advisory Council helps develop the five-year plan and serves as the one level of appeal.
		A Public Advisory Committee helps develop the five-year plan and serves as the first level of formal appeal.		

8. Economic Analysis

In its report, the Idaho Federal Lands Task Force said, “We were not charged nor equipped to provide a thorough examination of the legal and economic implications, or the environmental impacts of alternative approaches. However, based on our brief review we believe that positive economic returns from a well-designed and located pilot project are achievable” (Idaho FLTF 1998, p.42).

The cash flow structures for each of the five proposed projects are detailed in Appendices F through J and summarized in Table 9. These project reports and cash flow analyses were prepared by independent contractors engaged by the Working Group with specific instructions to provide estimates of potential revenues and expenditures for the projects.

The actual treatment acres and related costs and revenues are not predetermined under any of the proposed projects. The emphasis in each is to change the framework for decision-making to improve the potential for accomplishing sound ecosystem management treatments on the ground, in a more cost-effective manner. What is projected is a dramatic increase in accomplishments on the ground with a large reduction in net cost. In total, the five proposed pilot projects encompass 10.8 million acres of federal land, of which 10.1 million acres are National Forest System lands.

Currently only a small fraction (about 20,500 acres or 0.2%) of these national forest lands receive active forest-ecosystem management treatments each year. The projects presented herein are projected to increase this to about 37,000 acres, or 0.4% of the total national forest area. This is a significant increase in

accomplishments on the ground that benefit ecosystems at a projected cost savings of \$29.5 million annually.

Although projections for three of the five projects do not provide the “positive economic returns” envisioned by the Task Force, meeting the identified ecological needs by active management in the five project areas improves the cash flow situation by \$29.5 million (see Table 9 on next page).

9. Recommendations

- The Working Group recommends five pilot projects to the Idaho State Board of Land Commissioners.
- The Working Group recommends the Land Board allow for a public comment period on the report.
- The Working Group recommends that the Idaho State Legislature review the report.
- The Working Group recommends outreach and education to broad interests and stakeholders.

Table 9. Cash flow summaries for proposed projects (millions of dollars).

	Existing Operations FY 1999			Potential Operations		
Project	Revenues	Expenses	Net	Revenues	Expenses	Net
Central Idaho	\$10.9	(\$41.0)	(\$30.1)	\$12.3	(\$41.1)	(\$28.8)
Clearwater	\$6.5	(\$21.3)	(\$14.8)	\$31.4	(\$21.4)	\$10.0
Priest Lake	\$1.1	(\$2.6)	(\$1.5)	\$2.7	(\$2.6)	\$0.1
St. Joe	\$2.1	(\$4.9)	(\$2.8)	\$4.0	(\$5.0)	(\$1.0)
Twin Falls/Cassia	\$0.3	(\$2.5)	(\$2.2)	\$0.3	(\$2.5)	(\$2.2)
Total	\$20.9	(\$72.3)	(\$51.4)	\$50.7	(\$72.6)	(\$21.9)

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11. Glossary

Beneficiary (see **Trust: legal terminology**)

Coarse filter - Refers to developing ecosystem management plans based on an appropriate classification of the landscape. A coarse filter partitions **landscapes**, based on ecological, biological, or operational similarities. Fine filter refers to making land-management decisions based on the needs of individual species (Haufler et al. 1996).

Committees (by project, including Boards of Trustees, etc., see Table 1 and Appendices F to J for details)

Central Idaho Ecosystem Trust

Local Advisory Council

Board of Trustees

Clearwater Basin Stewardship Collaborative

Collaborative Group

Priest Lake Basin Cooperative

Public Advisory Committee

State Board of Land Commissioners

St. Joe Ecosystem Stewardship Project

Local Advisory Committee

Investment Project Advisory Committee

Twin Falls/Cassia Resource Enhancement Trust

Local Steering Committee

Board of Trustees

Ecosystem - A spatially explicit, relatively homogeneous unit of the earth that includes all interacting organisms and components of the abiotic environment within its boundaries. An ecosystem can be of any size, e.g., a log, pond, field, forest, or the earth's biosphere (SAF 1998).

Ecosystem Diversity Matrix (EDM) - A unit of measurement that provides the foundation for resource management planning and represents the primary tool for quantifying landscape conditions (Haufler et al. 1996). The two principal components are the habitat type class and the vegetative growth stage (Mehl et al. 1998).

Ecosystem management or **ecosystem-based management** - Management guided by explicit goals, executed by policies, protocols, and practices and made adaptable by monitoring and research, based on the best understanding of ecological interactions and processes necessary to sustain **ecosystem** composition, structure, and function over the long term (SAF 1998).

Ecological Land Units (ELU) - A unit of measurement that describes the existing vegetation for both overstory and understory characteristics, and predicts the ecological processes associ-

ated with the forest site such as successional pathways, site productivity, forest health thresholds, and habitat suitability (Haufler et al. 1996).

Funds for counties - Natural resource payments to counties and schools from economic activities on federal lands such as timber sales, mineral leasing, grazing, and other activities (Idaho Association of Counties, Idaho Public Lands booklet). For example, this has been done on national forests lands since 1908 with revenue-sharing through the “25% fund” returned to the states for local government use.¹

General Accounting Office (GAO) - The General Accounting Office is the investigative arm of Congress. GAO exists to support the Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds, evaluates federal programs and activities, and provides analyses, options, recommendations, and other assistance to help the Congress make effective oversight, policy, and funding decisions. In this context, GAO works to continuously improve the economy, efficiency, and effectiveness of the federal government through financial audits, program reviews and evaluations, analyses, legal opinions, investigations, and other services. GAO’s activities are designed to ensure the executive branch’s accountability to the Congress under the Constitution and the government’s accountability to the American people. GAO is dedicated to good government through its commitment to the values of accountability, integrity, and reliability (US-GAO 2000).

Gridlock - The inability to resolve conflicts in a decision-making body, such as Congress or the bureaucratic agencies, which results in government inaction in the face of important political problems. There is no consensus as to what to do and therefore no movement in any direction (Kraft 2000).

Historical range of variability - The historical range of variability characterizes fluctuations in ecosystem conditions or processes over time. It can describe variations in diverse characteristics, such as tree density, vertebrate population size, water temperature, frequency of disturbance or rates of change, and it can be applied at multiple spatial scales from the site to regions comprising millions of acres or more. Note: the range of variability in ecosystem conditions and processes has been described using terms such as “historical,” “natural,” and “presettlement.” Each of these conveys different meanings to different people. “Historical” is used broadly to describe dynamics over a time frame relevant to understanding the behavior of contemporary ecosystems and the implications for management. This period does not have to be on the scale of evolutionary time, but it should reflect the adaptation of species to their dynamic environment (Morgan et al. 1994).

Land Board - To manage the 2.5 million acres of endowment lands (also called school lands or grant lands) and associated funds of the State of Idaho, Article IX of the Idaho Constitution established the State Board of Land Commissioners. The Land Board, as it is commonly called, consists of Idaho’s Governor, Secretary of State, Attorney General, Superintendent of Public Instruction, and State Controller. The land commissioners, acting in the capacity of trustees on behalf of the beneficiary schools and other institutions, were given the responsi-

bility, under Article IX, Section 8, of the Constitution (as amended), to manage the endowment lands “in such manner as will secure the maximum long financial return to the institution to which granted.”

Indicator species - A species that is closely correlated with a particular environmental condition or habitat type such that its presence or absence can be used as an indicator of environmental conditions. A species whose population size and trend is assumed to reflect the population size and trend of other species associated with the same geographic area and habitats (Dunster and Dunster 1996).

Landscape – An ecologically delineated area large enough to contain viable populations of nearly all of the native species in the area, with the exception of a few species with very large home-range requirements or consistently sparse population densities (Haufler et al. 1996).

Multiple use - [1] The management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people (16 U.S.C. § 531(a)(4)). [2] A combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, and wildlife and fish, along with natural scenic, scientific, and historical values (USDI-BLM 1998).

Public lands - All lands owned by the United States. Or, as defined by Congress in a 1979 statute, all federally-owned lands for limited purposes (Coggins et al. 1993). Also, any land and interest in land owned by the United States that are administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership, except for (1) lands located on the Outer Continental Shelf, and (2) land held for the benefit of Indians, Aleuts, and Eskimos. Includes public domain and acquired lands (USDI-BLM 1998).

Seral stage - A temporal and intermediate stage in the process of **succession** (SAF 1998). Descriptors of different stages include early-, mid-, or late-seral stages of succession.

State Board of Land Commissioners - See Land Board.

Stewardship contract - A service contract with a resource stewardship objective. A service contract is a mutually binding legal relationship obligating the seller to furnish services (including construction) and the buyer to pay for them. It includes all types of commitments that obligate the government to an expenditure of appropriated funds and that, except as otherwise authorized, are in writing. In addition to bilateral instruments, service contracts include (but are not limited to) awards and notices of awards; job orders or task letters issued under basic ordering agreements; letter contracts; orders, such as purchase orders, under which the contract becomes effective by written acceptance or performance; and bilateral contract modifications

(Ringgold 1998).

Succession - The gradual supplanting of one community of plants by another. Note: the sequence of communities is called a *sere*, with various **seral stages** (SAF 1998).

Sustained yield - The achievement and maintenance in perpetuity of a high-level annual, or regular periodic, output of the various renewable resources of the public lands consistent with multiple use (USDI-BLM 1998).

Trust: legal terminology (from Souder and Fairfax 1996, p. 3)

- A *trust* is a fiduciary relationship with respect to property in which the person by whom the title to the property is held is subject to equitable duties to keep or use the property for the benefit of another.
- A *fiduciary relationship* places on the trustee the duty to act with strict honesty and candor and solely in the interest of the beneficiary.
- The *settlor* of a trust is the person who creates the trust.
- The *trustee* is the person holding property in trust for the beneficiary.
- The property held in trust is the *trust property*.
- The *beneficiary* is the person for whose benefit the trust property is held in trust.
- The *trust instrument* is the “manifestation of the intention of the settlor” by which the property interests are vested in the trustee and beneficiary and by which the rights and duties of the parties (called the trust terms) are set forth in a manner that admits of its proof in judicial proceedings.

12. Notes

¹ The “Stewardship Contract” law authorizing the Forest Service to implement up to 28 stewardship contracting pilot projects is subsection (g) of Section 347 of title III of Section 101(e) of division A of Public Law 105-277, commonly called the FY 1999 Omnibus Appropriations Act. The U.S. Forest Service has reported to Congress on implementation of this law (USDA-FS 2000).

² Pinchot, Gifford. 1947. *Breaking New Ground*. Harcourt, Brace, New York, NY. p. 190.

³ 16 U.S.C. § 475.

⁴ 43 U.S.C. § 315, preamble.

⁵ 16 U.S.C. § 1528 *et seq.*

⁶ 16 U.S.C. § 1604, 1611.

⁷ 43 U.S.C. §§ 1701 *et seq.*

⁸ 42 U.S.C. § 4321 *et seq.*

⁹ 16 U.S.C. §§ 1251 *et seq.* and

33 U.S.C. §§ *et seq.*;

42 U.S.C. §§ 7401 *et seq.*; and

16 U.S.C. §§ 1531 *et seq.*

¹⁰ 16 U.S.C. §§ 1531-43.

¹¹ 16 U.S.C. § 1536.

¹² *Id.*

¹³ For example, 16 U.S.C. § 469a-1 (reporting requirements for disturbance of scientific, prehistorical, historical, or archaeological data).

¹⁴ US-GAO (1997) at 28.

¹⁵ *Id.*

¹⁶ *Id.* at 46.

¹⁷ *Id.* at 40.

¹⁸ *Id.* at 85.

¹⁹ US-GAO (1997) at 30.

²⁰ *United States v. Brunskill*, No. S-82-666-LKK, unpublished op. (E.D.Ca. Nov. 8, 1984) *aff’d*, 792 F. 2nd 938 (9th Cir. 1986).

²¹ US-GAO (1997).

²² *Id.* at 99.

²³ *Id.*

²⁴ USDI-BLM (1998).

²⁵ USDI-BLM (1998).

²⁶ HCR no. 8, Idaho Legislature, 1999.

²⁷ Arizona-Idaho Conservation Act of 1988. 16 U.S.C. § 460 yy.

²⁸ Public Law 105-277.

²⁹ The “Stewardship Contract” law authorizing the Forest Service to implement up to 28 stewardship contracting pilot projects is subsection (g) of Section 347 of title III of Section 101(e) of division A of Public Law 105-277, commonly called the FY 1999 Omnibus Appropriations Act. The U.S. Forest Service has reported to Congress on implementation of this law (USDA-FS 2000).

³⁰ 42 U.S.C. §§ 4321 *et seq.*

³¹ 16 U.S.C. 499 [note].